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Jodi A. Calderon
Jodi A. Calderon

Date: 8-19-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.:	10/518,171	Examiner:	(not yet assigned)
Filing Date:	December 15, 2004	Group Art Unit:	Unassigned
Inventor:	Schennach et al.	Attorney Docket No.	72.099
Assignee:	Wacker Construction Equipment AG		
Invention:	<i>Soil Compacting Device Comprising an Undercarriage</i>		

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE (DO/EO/US)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed August 4, 2005 in the above-captioned application, applicant submits the following:

- 1) Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).
- 2) Executed 2-page Declaration.
- 3) Executed Appointment of Domestic Representative.

BEST AVAILABLE COPY

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

UNDER 35 U.S.C. 371 dated August 4, 2005

U.S. Serial No.: 10/518,171; filed December 15, 2004

Inventors: Schennach et al.

Page 2

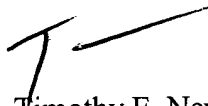
- 4) A check in the amount of \$130.00 for payment of the government fee for late filing of applicants' Declaration.

The Notification also states that the translations of the Annexes were canceled because they were not received within 30 months from the priority date. That cancellation was non-prejudicial because the Amendments under Article 34 contained therein were entered via the Preliminary Amendment filed December 15, 2004. Nevertheless, a courtesy copy of the translations is attached for the Director's consideration.

The Director is hereby authorized to charge payment of any extension or additional fees associated with this or any other communication or credit any overpayment to Deposit Account No. 50-1170.

08/26/2005 ATRAN1 00000039 10518171
01 FC:1617 130.00 OP

Respectfully submitted,


Timothy E. Newholm
Registration No. 34,400

Dated: August 19, 2005

BOYLE, FREDRICKSON, NEWHOLM,
STEIN & GRATZ, S.C.
250 Plaza, Suite 1030
250 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/518,171	Hermann Schennach	72.099

INTERNATIONAL APPLICATION NO.

PCT/EP03/05987

I.A. FILING DATE

06/06/2003

PRIORITY DATE

06/17/2002

23598

BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C.
 250 E. WISCONSIN AVENUE
 SUITE 1030
 MILWAUKEE, WI 53202

CONFIRMATION NO. 5733

371 FORMALITIES LETTER



OC000000016668112

Date Mailed: 08/04/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

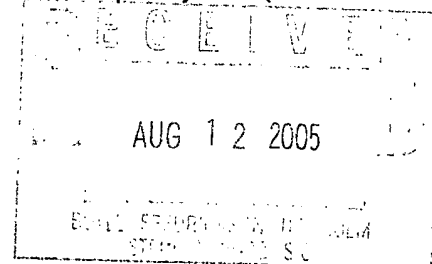
- Copy of the International Application filed on 12/15/2004
- English Translation of the IA filed on 12/15/2004
- Copy of the International Search Report filed on 12/15/2004
- Copy of IPE Report filed on 12/15/2004
- Copy of Annexes to the IPE filed on 12/15/2004
- Preliminary Amendments filed on 12/15/2004
- Information Disclosure Statements filed on 12/15/2004
- Oath or Declaration filed on 12/15/2004
- U.S. Basic National Fees filed on 12/15/2004
- Priority Documents filed on 12/15/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:



- **\$130** Late oath or declaration Surcharge.

Additionally the following defects have been observed:

- The translations of Annexes are canceled since the translations were not submitted prior to 30 months the priority date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/518,171	PCT/EP03/05987	72.099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Phase of PCT/EP03/05987

International Filing Date: 6 June 2003

COPY

Inventors: Schennach, et al.

Title: *Soil Compacting Device Comprising an Undercarriage*

Priority: German Patent Application No. 102 26 920.3; filed 17 June 2002

PRELIMINARY AMENDMENT

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Preliminary Amendment is directed to a new U.S. application as identified above.

Please enter this Preliminary Amendment prior to calculating the fees.

Please amend the application as follows.

Amendments to the Specification begin on page 2 of this Preliminary Amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this Preliminary Amendment.

Addition of Abstract of the Disclosure begin on page 5 of this Preliminary Amendment.

Remarks/Arguments begin on page 6 of this Preliminary Amendment.

An **Appendix** including: 1) amended specification page 1a; 2) amended claim pages 6 and 7; and 3) a 1-page Abstract, which is attached following page 6 of this Preliminary Amendment.

Amendments to the Specification:

Please add the attached page 1a following page 1 of the specification as originally filed.

The new page incorporates revisions to the international PCT application under Article 34.

Attachments: Amended sheet 1a

Please insert the following headings into the specification as follows:

Page 1, after the title, insert the heading -- BACKGROUND OF THE INVENTION--;
and the subheading -- 1. Field of the Invention --.

Page 1, between lines 6 and 7, insert the subheading --2. Description of the Related Art--.

Amended page 2, between lines 3 and 4, insert the heading -- OBJECTS AND
SUMMARY OF THE INVENTION

Page 3, between lines 15 and 16, insert the heading -- BRIEF DESCRIPTION OF THE
DRAWINGS --.

Page 3, between lines 25 and 26, insert the heading -- DETAILED DESCRIPTION OF
THE PREFERRED EMBODIMENTS --.

Amendments to the Claims (As Amended to Incorporate the Article 34 Amendments):

Please substitute pages 6 and 7 with the attached amended pages 6 and 7 of the claims as originally filed. The new pages incorporate revisions to the international PCT application which were modified under Article 34.

Before claim 1 on amended page 6 insert --We claim:--

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A soil compacting device ~~having~~comprising:
a lower mass (1)-that comprises a compacting plate (2), an upper mass (4)-connected with the lower mass (1)-via a spring damping device (3), a vibration generator (6)-that loads the compacting plate (2), and an undercarriage (7)-having one or more roller elements (9)-situated in rotatable fashion on an undercarriage axle (8)-for the transport of the device,
~~characterized in that~~wherein
 - the undercarriage axle (8)-is stationary in relation to the device;
 - the undercarriage (7)-is attached to the lower mass (1); and ~~that~~wherein
 - in a transport position, the compacting plate (2)-does not touch the soil, but the roller elements (9)-touch the soil and bear the weight of the device.
2. (Currently Amended) The soil compacting device as ~~recited~~claimed in ~~C~~claim 1,
~~characterized in that~~wherein, for a given roller element diameter, the axial position of the undercarriage axle (8)-is selected in such a way that
 - in a vibrating position, the compacting plate (2)-makes flat contact with the soil and the roller elements (9)-do not touch the soil, and

a changeover between the two positions being possible by tipping the overall device about an axis that corresponds essentially to the undercarriage axle (8).

3. (Currently Amended) ~~S~~The soil compacting device as recited ~~in~~ claimed in ~~C~~claim 2, ~~characterized in that wherein~~ the axial position of the undercarriage axle (8) and the size of the roller elements (9) are selected such that

- in the vibrating position; there is a distance (a) between a soil contact surface of the compacting plate (2) and the lowest point of the roller elements (9), and
- a distance (b) results by which, in the transport position, the roller elements (9) extend past what is then the lowest point of the compacting plate (2).

4. (Currently Amended) ~~S~~The soil compacting device as recited in ~~one of C~~claims 1 ~~to~~ 3, ~~characterized in that wherein~~ the undercarriage axle (8) is situated above the compacting plate (2).

5. (Currently Amended) ~~S~~The soil compacting device as recited in ~~one of C~~claims 1 ~~to~~ 4, ~~characterized in that wherein~~ the roller elements (9) have an intentional imbalance (11).

6. (Currently Amended) ~~S~~The soil compacting device as recited in ~~one of C~~claims 2 ~~to~~ 5, ~~characterized in that wherein~~ a step surface (12) is laterally present on the upper mass (4) for the supporting of a moment required for the change of positions.

7. (Currently Amended) ~~S~~The soil compacting device as recited ~~in~~ claimed in ~~one of C~~claims 3 ~~to~~ 6, ~~characterized in that wherein~~ a step surface (12) is laterally present on the upper mass (4) for the supporting of a moment required for the change of positions.

ABSTRACT OF THE DISCLOSURE

Please add page 8 as the Abstract of the Disclosure.

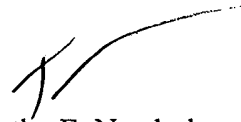
Attachment: Abstract

REMARKS

This application has been amended to incorporate the amendments made by Article 34, to insert headings in the specification, to eliminate multiple dependencies in the claims, and to place the claims in conformance with preferred U.S. Patent Office practice without narrowing the claims, and to add an Abstract of the Disclosure. Entry of the amendments and early consideration and allowance are respectfully requested.

Authorization is given to charge any fees in connection with this or any other communication, or credit any overpayment, to Deposit Account No. 50-1170.

Respectfully submitted,



Timothy E. Newholm
Registration No. 34,400

Date: December 15, 2004

Customer Account No.: 23598

BOYLE FREDRICKSON NEWHOLM
STEIN & GRATZ, S.C.
250 Plaza, Suite 1030
150 East Wisconsin Avenue
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
Attorney Docket No.: 72.099

In CH-A-321022, a vibration plate is described in which there is attached to the upper mass a pivot mechanism by which an undercarriage can be pivoted between an idle position and a travel position.

- 5 In US-A-3,199,424, a vibration plate is indicated in which an undercarriage is fastened rigidly to a guide rod that is fastened to an upper mass of the vibration plate and that can be pivoted relative thereto.

- 10 From DE-U-85 13 149, a vibration plate is known having a lower mass comprising a compacting plate, an upper mass connected with the lower mass via a spring, a vibration generator that loads the compacting plate, and an undercarriage having roller elements situated in rotatable fashion on an undercarriage axle for the transporting of the device, the undercarriage axle being stationary in relation to the device, and the undercarriage being attached to the lower mass.

Patent claims

1. Soil compacting device having a lower mass (1) that comprises a compacting plate (2), an upper mass (4) connected with the lower mass (1) via a spring damping device (3), a vibration generator (6) that loads the compacting plate (2), and an undercarriage (7) having one or more roller elements (9) situated in rotatable fashion on an undercarriage axle (8) for the transport of the device,

characterized in that

- the undercarriage axle (8) is stationary in relation to the device;
- the undercarriage (7) is attached to the lower mass (1); and that
- in a transport position, the compacting plate (2) does not touch the soil, but the roller elements (9) touch the soil and bear the weight of the device.

2. Soil compacting device as recited in Claim 1,

characterized in that for a given roller element diameter the axial position of the undercarriage axle (8) is selected in such a way that

- in a vibrating position, the compacting plate (2) makes flat contact with the soil and the roller elements (9) do not touch the soil,

a changeover between the two positions being possible by tipping the overall device about an axis that corresponds essentially to the undercarriage axle (8).

3. Soil compacting device as recited in Claim 2,

characterized in that the axial position of the undercarriage axle (8) and the size of the roller elements (9) are selected such that

- in the vibrating position, there is a distance (a) between a soil contact surface of the compacting plate (2) and the lowest point of the roller elements (9), and
- a distance (b) results by which, in the transport position, the roller elements (9) extend past what is then the lowest point of the compacting plate (2).

4. Soil compacting device as recited in one of Claims 1 to 3,
characterized in that the undercarriage axle (8) is situated above the compacting plate (2).
5. Soil compacting device as recited in one of Claims 1 to 4,
characterized in that the roller elements (9) have an intentional imbalance (11).
6. Soil compacting device as recited in one of Claims 2 to 5,
characterized in that a step surface (12) is laterally present on the upper mass (4) for the supporting of a moment required for the change of positions.

ABSTRACT

The invention relates to a soil compacting device, especially a vibrating plate, which comprises an undercarriage mounted on a lower body, said undercarriage having an undercarriage axle that is stationary with respect to the device. By suitably positioning the undercarriage axle it is achieved that, in a vibrating position, the rolling bodies do not touch ground while they do touch ground when the entire device is simply tilted about an axis that corresponds approximately to the undercarriage axle, thereby allowing the mobility of the device. The soil compacting device is advantageous over conventional devices in that an extension or swiveling of the undercarriage axle for the purpose of transport and the corresponding devices are no longer required.